UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/068,895	02/11/2002	Arito Asai	5-071US-FF	3549

7590 09/13/2005	**EXAMINER**
McGinn & Gibb, PLLC	TRUONG, CAM Y T
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ART UNIT	PAPER NUMBER
2162	

8321 Old Courthouse Road
Vienna, VA 22182-3817

DATE MAILED: 09/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Advisory Action ***Before the Filing of an Appeal Brief***	10/068,895	ASAI ET AL.
	Examiner	Art Unit	
	Cam Y T. Truong	2162	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>25 August 2005</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

    a) ☒ The period for reply expires <u>3</u> months from the mailing date of the final rejection.

    b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

    Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

    (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

    (b)☐ They raise the issue of new matter (see NOTE below);

    (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

    (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

        NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

    The status of the claim(s) is (or will be) as follows:

    Claim(s) allowed: _____.

    Claim(s) objected to: _____.

    Claim(s) rejected: <u>*1-2, 4-19*</u>.

    Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Continuation Sheet.</u>

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.

13. ☐ Other: _____.

Cam Truong/

Continuation of 11. does NOT place the application in condition for allowance because:

The amended claim 6 on 8/25/2005 is not entered.

Applicant argued that Vora does not teach "a first interface for separably and directly connecting, without via a network, the search device and the command execution device". Vora teaches a bus 41 as a first interface for separably and directly connecting processor 37 as a command execution device and search software or engine that is stored in memory 39 or in memory 43. The search engine is represented as search device (fig. 1, col. 9, lines 57-67; col. 10, lines 1-15).

Applicant argued that Vora does not teach "a database server determining whether the received search command can be transmitted to another database server and transmitting the received search command to another database server when it is determined that the received search command can be transmitted to another database server". This claimed limitation is not recited in claims 5 and 19. However, Vora teaches the claimed limitation "determining whether the received search command can be transmitted to another database server and transmitting the received search command to another database server when it is determined that the received search command can be transmitted to another database server" as the user of the client system 33 may select at least one information source for the first search request defined by parameters 403a. In one embodiment, the user may position a cursor 409 over the icon 431 to cause the client system 33 to communicate with the server system 9 in order to determine the available information sources in the network, which are available for searching currently. That is cause the server 9 sends the search request to server 63. The above information shows that the server 9 has included a device for determining the server 63 is available for searching (col. 9, lines 57-67; col. 6, lines 60-67; col. 7, line 1).

Applicant argued that there was no motivation or suggestion in the combination of Vora and Sanada and making a prima facie case of obviousness. However, examiner responded this argument in the final office action.

Applicant argued that Sanada does not teach "a second interface for separably connecting the storage controller and the command execution device". Sanada teaches Fibber Channel Fabric as a second interface for separably connecting the storage controller and the host computer system as a command execution device (fig. 1, col. 5, lines 35-37; col. 6, lines 1-3).

Applicant argued that Lee does not teach "converting file upon determination that the converted file was not stored in the database". Lee teaches the converted format of the object can be stored as a local file apart from the file containing the native format version, which is maintained in an original file in the same or different directory. The above information shows that the system has determined that the data having the desired format is not stored in the database; thus, the system converts the format of file or object and store the converted format of file into the same or different directory (col. 3, lines 1 5).

For the above reasons, examiner believed that rejection of the last office action was proper.